

Remarks

The Restriction Requirement referenced above indicated that there are fourteen species disclosed in the patent application. Pursuant to the requirement Applicant elects herein the species associated with Figure 59 with traverse. With respect to the claims that read on the Fig. 59 species, Applicant believes that each of claims 1-12, 14, 17-29, 31-57, 59-65 and 67-152 covers the Fig. 59 species.

With respect to traversing the restriction requirement Applicant believes there are several claims that are generic to the species identified in the requirement. To this end, claim 1 is generic to each of the species figures. Each of the Figures includes at least one medication containing holder that includes a memory device, a sensor of some type including a sensing area and a processor. The specification teaches various methods and processes, each of which generally can be performed by a processor. To this end, at the beginning of paragraph 517 the specification teaches that "While many different embodiments of the invention have been described above and many different health safety functions have been described in conjunction with the various embodiments it should be appreciated that almost all of the health safety functions taught could be facilitated with each of the embodiments." Thus, for instance, each processor in any of the separate species figures is capable of obtaining dosing information from a container memory device and performing a health safety function as required by claim 1.

To the extent that the Examiner believes that claim 1 is not generic to any of the species Applicant requests that the Examiner provide examples of what elements are missing in the species.

In addition to claim 1 being generic, many of the other independent claims are generic including claims 41, 43, 68, 82, 104, 112, 116, 127, 140, 143 and 146. Applicant believes that other independent claims may also be considered generic to all of the species or, in at least some cases, to at least a subset of the species identified. For instance, claim 151 could read on any of the species in Figs. 42, 59, 64, 68 and or 70. Similarly, claim 147 could read on any of the species in Figs. 42,

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59, 64, 68 and or 70. Many of the other independent claims read on several of the different species identified.

To the extent that the Examiner believes that claim 1 or any of the other generic claims identified above are not generic to all of the species, Applicant believes that claim 1 and other independent claims are at least generic to a sub-set of the species and would request at least a partial reversal of the restriction requirement so that at least a sub-set of the species are examined in this case.

Applicant invites the Examiner to call Applicant's representative and discuss other breakdowns of the species into broader groups for examination.

Applicant has amended the claims to eliminate an inadvertent numbering problem that was identified.

Applicant has introduced no new matter in making the above amendments. In view of the above amendments and remarks, Applicant believes claims 1-153 of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

CARLOS DE LA HUERGA

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By: 
Michael A. Jaskolski
Reg. No. 37,551
Attorney for Applicant
QUARLES & BRADY, LLP
411 East Wisconsin Avenue
Milwaukee, WI. 53202-4497
(414) 277-5711